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Paper No.19

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AUG 28 2006

OFFICE OF PETITIONS

In re Application of :
Burmeister et al. :
Application No. 08/246,320 :
Filed: May 19, 1994 : ON PETITION
Attorney Docket Number: :
S63.24944 :

In re Application of :
Burmeister et al. :
Application No. 09/427,291 :
Filed: October 26, 1999 : ON PETITION
Attorney Docket Number: :
S63.2-8606 :

This is a decision on the "Request for Correction of USPTO File of an Ancestor Application (Petition Under 37 CFR 1.182 - Question not Specifically Provided For)", filed August 29, 2005. The delay in treating this petition is regretted.

The petition is **granted**.

The application was filed on May 19, 1994, and included a copy of a return-receipt postcard indicating 18 pages of drawings were filed with the application. Petitioner reviewed the application and discovered that only 15 pages of drawings were present in the application file. A review of the application file confirms that the file contains 15 pages of drawings.

Applicant files the instant petition and a copy of the return receipt postcard, along with three (3) pages of drawings, and requests entry of the three (3) pages of drawings asserting that the three (3) pages of drawings were originally filed with the

application on May 19, 1994, as evidenced by the copy of the return-receipt postcard.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 18 sheets of drawings on May 19, 1994. Petitioner has also re-submitted 3 pages of drawings with the instant petition.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

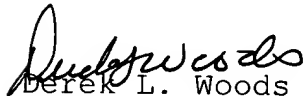
The copy of 3 sheets of drawings supplied with the instant petition will be made part of the application file.

A refund of the petition fee has been scheduled.

The address on the petition is different from the address of record in Application 08/246,320. If Petitioner desires to receive further correspondence with respect to this application, a change of correspondence address must be filed. A courtesy copy of this Decision is being forwarded to Petitioner at the address appearing on the petition; however, all future correspondence will be sent to address of record until instructions to the contrary are received.

The application will be returned to the files repository.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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